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7 **BEFORE THE**
8 **BOARD OF REGISTERED NURSING**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2012-346

11 **MARIA IMPANGLOZADA**
12 **aka Maria R. Lozada**
13 **aka Maria Impang-Lozada**
14 **aka Maria Reyes Impang**

FIRST AMENDED ACCUSATION

15 **4930 Montoya Avenue**
16 **Richmond, CA 94806**

17 **Registered Nurse License No. 189995**
18 **Public Health Nurse Certificate No. 15345**

Respondent.

19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
23 of Consumer Affairs.

24 2. On or about July 31, 1968, the Board of Registered Nursing issued Registered Nurse
25 License Number 189995 to Maria Impanglozada, aka Maria R. Lozada, aka Maria Impang-
26 Lozada, aka Maria Reyes Impang (Respondent). The Registered Nurse License was in full force
27 and effect at all times relevant to the charges brought herein and will expire on February 29,
28 2012, unless renewed.

3. On or about September 18, 1970, the Board of Registered Nursing issued Public Health Nurse Certificate No. 15345 to Maria Impanglozada, aka Maria R. Lozada, aka Maria Impang-Lozada, aka Maria Reyes Impang (Respondent). The Public Health Nurse Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on February 29, 2012, unless renewed.

JURISDICTION

4. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section **2750** of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section **2764** of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

7. Section **118(b)** of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

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STATUTORY AND REGULATORY PROVISIONS

8. Section 2761 of the Code states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

1 9. California Code of Regulations, title 16, section **1442**, states:

2 As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from
3 the standard of care which, under similar circumstances, would have ordinarily been exercised by
4 a competent registered nurse. Such an extreme departure means the repeated failure to provide
5 nursing care as required or failure to provide care or to exercise ordinary precaution in a single
6 situation which the nurse knew, or should have known, could have jeopardized the client's health
7 or life.

8 10. California Code of Regulations, title 16, section **1443**, states:

9 As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the
10 failure to exercise that degree of learning, skill, care and experience ordinarily possessed and
11 exercised by a competent registered nurse as described in Section 1443.5.

12 11. California Code of Regulations, title 16, section **1443.5** states:

13 A registered nurse shall be considered to be competent when he/she consistently
14 demonstrates the ability to transfer scientific knowledge from social, biological and physical
15 sciences in applying the nursing process, as follows:

16 (1) Formulates a nursing diagnosis through observation of the client's physical condition
17 and behavior, and through interpretation of information obtained from the client and others,
18 including the health team.

19 (2) Formulates a care plan, in collaboration with the client, which ensures that direct and
20 indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and
21 for disease prevention and restorative measures.

22 (3) Performs skills essential to the kind of nursing action to be taken, explains the health
23 treatment to the client and family and teaches the client and family how to care for the client's
24 health needs.

25 (4) Delegates tasks to subordinates based on the legal scopes of practice of the
26 subordinates and on the preparation and capability needed in the tasks to be delegated, and
27 effectively supervises nursing care being given by subordinates.

28 (5) Evaluates the effectiveness of the care plan through observation of the client's physical

1 condition and behavior, signs and symptoms of illness, and reactions to treatment and through
2 communication with the client and health team members, and modifies the plan as needed.

3 (6) Acts as the client's advocate, as circumstances require, by initiating action to improve
4 health care or to change decisions or activities which are against the interests or wishes of the
5 client, and by giving the client the opportunity to make informed decisions about health care
6 before it is provided.

7 COSTS

8 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
9 administrative law judge to direct a licensee found to have committed a violation or violations of
10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
11 enforcement of the case.

12 WATERS EDGE NURSING HOME

13 13. On or about July 20, 2007, Respondent worked during the night shift as a registered
14 nurse at Waters Edge Nursing Home in Alameda, California. During the course of her shift,
15 Respondent was required to administer medications to patients.

16 14. During the course of the night, Respondent administered the wrong medication to
17 patient A.¹ Respondent administered Keflex² to patient A, despite the fact that said medication
18 had not been ordered for this patient, and despite the fact that patient A informed Respondent that
19 she was not taking Keflex, and despite the fact that patient A was wearing an identification
20 bracelet at the time.

21 15. During the course of the night, Respondent administered the wrong medication to
22 patient B. Respondent administered Levothyroxine³ to patient B, despite the fact that said
23 medication had not been ordered for this patient, and despite the fact that patient B was wearing
24 an identification bracelet at the time.

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27 ¹ Patient names are withheld to protect patient privacy.

28 ² Keflex is a powerful antibiotic medication.

³ Levothyroxine is a synthetic hormone replacement medication.

1 **FIRST CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct)

3 16. Respondent is subject to disciplinary action under section 2761(a) of the Code, as set
4 forth above in paragraphs 13-15.

5 **SECOND CAUSE FOR DISCIPLINE**

6 (Gross Negligence/Incompetence)

7 17. Respondent is subject to disciplinary action under section 2761(a)(1) of the Code in
8 that she acted with gross negligence and/or incompetence, as set forth above in paragraphs 13-15.

9 **EMMANUEL CONVALESCENT HOSPITAL**

10 18. On or about June 4-5, 2006, Respondent was working as a registered nurse at
11 Emmanuel Convalescent Hospital in Alameda, California. Respondent was working the night
12 shift.

13 19. During the course of Respondent's shift, starting at around 12:30 hours, a patient in
14 the facility required assistance but could not locate any member of the nursing staff to assist him
15 in response to his call light. After a lengthy period of time passed, the patient transferred himself
16 from his bed to a wheelchair to investigate. The patient discovered all members of the nursing
17 staff to be asleep. Respondent was sleeping in a geri-chair in a utility or medication storage
18 room. The patient took photos of Respondent and the other sleeping staff members.

19 20. The patient's actions in photographing the sleeping staff woke the staff members up.
20 In response, the staff members called the police and attempted to have the patient arrested for
21 causing a disturbance.

22 **THIRD CAUSE FOR DISCIPLINE**

23 (Unprofessional Conduct)

24 21. Respondent is subject to disciplinary action under section 2761(a) of the Code, as set
25 forth above in paragraphs 18-20.

26 **FOURTH CAUSE FOR DISCIPLINE**

27 (Gross Negligence/Incompetence)

28 22. Respondent is subject to disciplinary action under section 2761(a)(1) of the Code in

1 that she acted with gross negligence and/or incompetence, as set forth above in paragraphs 18-20.

2 **PRAYER**

3 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
4 and that following the hearing, the Board of Registered Nursing issue a decision:

5 1. Revoking or suspending Registered Nurse License Number 189995, issued to Maria
6 Impanglozada, aka Maria R. Lozada, aka Maria Impang-Lozada, aka Maria Reyes Impang;

7 2. Revoking or suspending Public Health Nurse Certificate Number 15345, issued to
8 Maria Impanglozada, aka Maria R. Lozada, aka Maria Impang-Lozada, aka Maria Reyes Impang;

9 3. Ordering Respondent to pay the Board of Registered Nursing the reasonable costs of
10 the investigation and enforcement of this case, pursuant to Business and Professions Code section
11 125.3;

12 4. Taking such other and further action as deemed necessary and proper.

13 DATED: February 28, 2012

14 for Stacie Ben

15 LOUISE R. BAILEY, M.ED., RN
16 Interim Executive Officer
17 Board of Registered Nursing
18 Department of Consumer Affairs
19 State of California
20 Complainant
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